

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

THOMAS HAYES,

Chapter 7

Case Number: 11-73401-AST

Debtor.

NOTICE OF PRESENTMENT

-----X

PLEASE TAKE NOTICE that an Order For Redemption shall be submitted to the Court on June 23rd, 2011.

PLEASE TAKE FURTHER NOTICE that if a written objection is received by the undersigned and the Court on or before June 21, 2011 there will be a hearing scheduled by the Court. In the absence of any written objection, the Court may sign the Order without any further hearing or notice.

PLEASE TAKE FURTHER NOTICE that annexed hereto is a copy of the Application reciting the grounds for the relief requested.

Dated Medford, New York
May 17, 2011

S/RICHARD A. JACOBY
Attorneys for Debtor
1737D North Ocean Ave.
Medford, NY 11763
(631)289-4600

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

- - - - -
In Re

Case Number: 11-73401-ast

THOMAS HAYES,

Chapter 7

Debtor.

APPLICATION

Creditor:

SANTANDER CONSUMER USA

Po Box 961245

Ft Worth, TX 76161

- - - - -
THOMAS HAYES, the Debtor, by and through his Attorney, RICHARD A. JACOBY, of JACOBY & JACOBY, ESQS., moves the Court pursuant to 11 U.S.C. and Bankruptcy Rule 6008 for a Redemption order on the following grounds:

1. The item to be redeemed is tangible personal property intended primarily for personal, family or household use and is more particularly described as follows:

Year: 2008 Make: Hyundai Model: Elantra

Vin No.: KMH DU46D48U564001

2. The interest of the Debtor in such property is exempt or has been abandoned by the estate and the debt (which is secured by said property to the extent of the allowed secured claim of the Creditor) is a dischargeable consumer debt.

3. The allowed secured claim of said Creditor, SANTANDER CONSUMER USA for purposes of redemption, the "redemption value", should be determined to be not more than \$8,010 as evidenced by the attached written appraisal. (See Exhibit "A")

4. Arrangements have been made by the Debtor with 722 Redemption to pay to the said creditor up to the aforesaid amount in a lump sum should said motion be granted. The resulting new loan will require monthly payments of the debtor of \$292.28 for forty-eight months at 25.9% interest for a total of \$7,858.56. Were the debtor to reaffirm his existing loan, his payments would be \$456 for forty-eight months for a total of \$21,888.00. The total savings to the debtor is \$7,858.56.

Included in the new loan amount is a \$500 fee for the preparation and appearance on this motion.

WHEREFORE, the Debtor requests the Court to order the said Creditor, SANTANDER CONSUMER USA, to accept from the Debtor the lump sum payment of the redemption value and release their lien of record. In the event the said Creditor objects to this motion, the Debtor requests the Court to determine the value of the property as of the time of the hearing on such objection.

Dated: Medford, New York
May 17, 2011

S/ RICHARD A. JACOBY, ESQ.
JACOBY & JACOBY

1737D North Ocean Ave.
Medford, NY 11763
(631) 289-4600

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In Re

THOMAS HAYES,

BANKRUPTCY
Case Number: 11-73401-ast

AFFIDAVIT OF SERVICE

DEBTOR

-----X
STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

Kim Ross, being duly sworn, deposes and says: Deponent is not a party to the action, is over 18 years of age and resides in Pt Jeff NY 11776.

On May 18, 2011, I served a copy of the NOTICE OF MOTION and APPLICATION FOR REDEMPTION on all persons in interest in this Proceeding, by depositing a true copy of same enclosed in a post-paid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed to the following creditors and/or persons on behalf of creditors at the address designated by said attorney or creditor:

Office of the United States Trustee
Long Island Federal Courthouse
560 Federal Plaza
Central Islip, NY 11722

Allan B Mendelsohn
Allan B. Mendelsohn, LLP
38 New Street
Huntington, NY 11743

Santander Consumer Usa
Po Box 961245
Ft Worth, TX 76161

/s Kim Ross

Sworn to before me this
18th day of May 2011

/s Notary Public

Vehicle Condition Report:Owner Name: Thomas and Lana Hayes Sr Prepared as of: May 16, 2011Vehicle Description: 2008 Hyundai Elantra
Year Make ModelKMH DU46D48U564001 60,000 white
Serial Number (VIN) Mileage Plate Color

	No	Yes
Cruise Control		X
Theft Deterent		X
ABS Brakes		X
Tilt Wheel		X
Pwr Windows		X
Pwr Seats	X	

	No	Yes
Pwr Door Locks		X
Leather Int	X	
Air Conditioning		X
T Tops	X	
Sunroof	X	
Pwr Sunroof	X	

	No	Yes
AM/FM		X
Tape/CD		X
Automatic		X
4-Speed	X	
5-Speed	X	
4 x 4	X	

Other items: _____

	Good	Fair	Poor
Grill		X	
Front Bumper		X	
Hood		X	
Right Fender		X	
Right Door(s)		X	
Right Qtr Panel		X	

	Good	Fair	Poor
Lights		X	
Rear Bumper		X	
Roof		X	
Left Fender		X	
Left Door(s)		X	
Left Qtr Panel		X	

	Good	Fair	Poor
Interior		X	
Engine		X	
Transmission		X	
Brakes		X	
Paint Finish		X	
Tires		X	

Comments: _____

Valuation Report: Based on Kelley Blue Book - New York Region - May 2011 EditionAverage Base Value: Private Party Value
\$8,010.00Appraised Value: \$8,010.00

The above vehicle condition report was prepared for the purpose of making a secured loan on said collateral. By signing below, preparer of report certifies that information regarding collateral was ascertained via visual inspection or provided and collected in good faith from owner or owner's representative. Information as to vehicle's condition has been applied with due diligence in conjunction with current edition of Kelley Blue Book publication by experienced valuation specialist. No other representations, direct or indirect, material or immaterial, are made, assured or implied by this report of any other member of 722 staff or management.

/S/ Tonya R Hale
Tonya R Hale, Loan Originator

Collateral Valuation Services, LLC
P O Box 8361, Cincinnati, Ohio 45208
(513) 284-8539

Exhibit A



Send to Printer

advertisement

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2008 Hyundai Elantra GLS Sedan 4D

BLUE BOOK® PRIVATE PARTY VALUE



Condition	Value
Excellent	\$9,885
Good	\$9,135
✓ Fair (Selected)	\$8,010

Vehicle Highlights

Mileage: 60,000
Engine: 4-Cyl, 2.0 Liter
Transmission: Automatic, 4-Spd w/Overdrive
Drivetrain: FWD

Selected Equipment

Standard

ABS (4-Wheel) Power Steering Side Air Bags
Power Windows Tilt Wheel
Power Door Locks Dual Air Bags

Blue Book Private Party Value

Kelley Blue Book Private Party Value is the amount a buyer can expect to pay when buying a used car from a private party. The Private Party Value assumes the vehicle is sold "As Is" and carries no warranty (other than any remaining factory warranty). The final sale price may vary depending on the vehicle's actual condition and local market conditions. This value may also be used to derive Fair Market Value for insurance and vehicle donation purposes.

Vehicle Condition Ratings

Excellent

\$9,885

- Looks new, is in excellent mechanical condition and needs no reconditioning.
- Never had any paint or body work and is free of rust.
- Clean title history and will pass a smog and safety inspection.
- Engine compartment is clean, with no fluid leaks and is free of any wear or visible defects.
- Complete and verifiable service records.

Less than 5% of all used vehicles fall into this category.

Good

\$9,135

- Free of any major defects.
- Clean title history, the paint, body, and interior have only minor (if any) blemishes, and there are no major mechanical problems.
- Little or no rust on this vehicle.
- Tires match and have substantial tread wear left.
- A "good" vehicle will need some reconditioning to be sold at retail.

Most consumer owned vehicles fall into this category.

✓ Fair (Selected)

\$8,010

- Some mechanical or cosmetic defects and needs servicing but is still in reasonable running condition.
- Clean title history, the paint, body and/or interior need work performed by a professional.
- Tires may need to be replaced.
- There may be some repairable rust damage.

Poor

N/A

- Severe mechanical and/or cosmetic defects and is in poor running condition.
- May have problems that cannot be readily fixed such as a damaged frame or a rusted-through body.

\$100.00

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